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AN ACT
RELATING TO WATER; CREATING THE INDIAN WATER RIGHTS
SETTLEMENT FUND; PROVIDING FOR LEGISLATIVE APPROVAL OF
CERTAIN INDIAN WATER RIGHTS SETTLEMENTS; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. INDIAN WATER RIGHTS SETTLEMENTS--APPROVAL OF
SETTLEMENTS--REPORTS.--

A. Upon congressional authorization of funding of
the federal government's portion of the costs of an Indian
water rights settlement, the state engineer shall notify the
legislature of the amount of the state's portion of the costs
necessary to implement the settlement. Upon joint resolution
of the legislature, the interstate stream commission may
expend money in the Indian water rights settlement fund to
implement the terms of the approved settlement.

B. On or before November 15 of each year, the
state engineer and the interstate stream commission shall
report to the appropriate legislative interim committee
dealing with Indian affairs and to the legislative finance
committee on:

(1) the status of proposed Indian water
rights settlements requiring state financing;

(2) the distribution of funds from the

1 Indian water rights settlement fund to implement approved
2 settlements; and

3 (3) recommendations on the level of funding
4 for the Indian water rights settlement fund necessary to
5 timely implement Indian water rights settlements.

6 C. As used in Sections 1 and 2 of this act:

7 (1) "Indian water rights settlement" means
8 an agreement between the state and a tribe, but not exclusive
9 of any other party as appropriate, that resolves all of the
10 tribe's water rights claims and that has been approved by the
11 United States congress; and

12 (2) "tribe" means a federally recognized
13 Indian nation, tribe or pueblo.

14 Section 2. INDIAN WATER RIGHTS SETTLEMENT FUND.--The
15 "Indian water rights settlement fund" is created in the state
16 treasury to facilitate the implementation of the state's
17 portion of Indian water rights settlements. The fund
18 consists of appropriations, gifts, grants, donations, income
19 from investment of the fund and money otherwise accruing to
20 the fund. Money in the fund shall not revert to any other
21 fund at the end of a fiscal year. Money in the Indian water
22 rights settlement fund shall be used to pay the state's
23 portion of the costs necessary to implement Indian water
24 rights settlements approved by the legislature and the United
25 States congress. The interstate stream commission shall

1 administer the fund and money in the fund is appropriated to
2 the commission to carry out the purposes of the fund. Money
3 in the fund shall be disbursed on warrants of the secretary
4 of finance and administration pursuant to vouchers signed by
5 an authorized representative of the interstate stream
6 commission.

7 Section 3. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2005. _____

SB 172
Page 3

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